

3 FAH-1 H-3420 SICK LEAVE

(TL:POH-70; 08-22-2001)

3 FAH-1 H-3421 DEFINITIONS

(TL:POH-70; 08-22-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service employees)

As used in 3 FAM 3420 and in this subchapter, the following definitions apply.

(1) **Adoption** refers to the legal process by which an individual becomes the legal parent of another's child.

(2) **“Communicable disease”** is a disease which is ruled as subject to quarantine, and requires isolation or restriction of movement by the patient for a specified period, as prescribed by the health authorities having jurisdiction.

(3) **Family member** means the following relatives of the employee:

- (a) Spouse, and parents thereof;
- (b) Children, including adopted children, stepchildren, and spouses thereof;
- (c) Parents;
- (d) Brothers and sisters, and spouses thereof; and
- (e) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

(4) **Health care provider** has the meaning given that term in 5 CFR 630.1202.

(5) **Medical Certificate** is a written statement signed by a registered practicing physician or other practitioner, certifying the incapacitation, examination or treatment, or to the period of disability while the patient was receiving professional treatment. For family care, employees may provide a written statement from the health care provider concerning the family member's need for psychological comfort and/or physical care.

(6) **Serious health conditions** have the meaning given that term in 5 CFR 630.1202.

3 FAH-1 H-3422 ACCRUAL

3 FAH-1 H-3422.1 Full-Time Employees

3 FAH-1 H-3422.1-1 Accrual Rate

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID/

Applies to Foreign Service and Civil Service Employees)

A full-time employee with a 40-hour workweek accrues four hours of sick leave for each full biweekly pay period, regardless of years of federal service.

(1) Leave is credited at the beginning of the pay period in which it is earned.

(2) No sick leave accrues for partial pay periods at time of entering on duty or at time of separation.

(3) Full-time employees accrue sick leave during each full biweekly pay period while in a pay status or in a combination of pay and non-pay status. However, no leave is accrued if an employee is in a non-pay status for a complete biweekly pay period.

3 FAH-1 H-3422.1-2 Reduction of Accrual for Non-pay Status

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID/

Applies to Foreign Service and Civil Service Employees)

Sick leave credit is reduced by four hours for each aggregate of 80 hours in a non-pay status accrued within the leave year.

(1) Periods in a non-pay status of less than 80 hours are cumulative only during a given leave year and are not carried forward at the beginning of the next leave year.

(2) No sick leave accrues to the credit of an employee who is in a non-pay status for the entire leave year.

(3) Any period covered by a refund for the value of unearned advance leave shall not be considered a period of non-pay status under this section. Non-pay status occurring during a non-leave-earning period is not included in computing non-pay status for reduction purposes.

(4) No reduction is made for periods in a non-pay status during a non-leave earning period, such as:

(a) Partial pay periods of duty at time of entering on duty or at time of separation;

(b) Periods of suspension (other than suspension in the interests of national security pursuant to 5 U.S.C. 7532), whether such periods of suspension cover full or only partial pay periods; and

(c) Periods of Leave Without Pay while receiving compensation under 5 U.S.C. Chapter 81, Compensation for Work Injuries.

3 FAH-1 H-3422.1-3 Pro Rata Accrual for Partial Pay Periods

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID/

(Applies to Foreign Service and Civil Service Employees)

Sick leave accrues on a pro rata basis for partial pay periods of duty occurring within the continuity of employment when an employee's service is interrupted by a non-leave-earning period. (See 3 FAH-1 H-3412.2 , 3 FAH-1 H-3412.3 and 3 FAH-1 H-3412.4 for examples of periods for which pro rata leave accrual is given and a table for determining the amount of leave to be credited on a pro rata basis.)

3 FAH-1 H-3422.2 Part-Time Employees

3 FAH-1 H-3422.2-1 Accrual Rate

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID/

(Applies to Foreign Service and Civil Service Employees)

A part-time employee with a regular tour of duty established in advance on one or more days each workweek accrues one hour of sick leave for each 20 hours in a pay status.

(1) Any hours in a pay status in excess of 40 during any administrative workweek are disregarded.

(2) In computing leave accrual, LWOP is not creditable for determining leave accrual.

(3) Hours in a pay status of less than 20 (the number necessary for a minimum leave credit of one hour) may be carried over from one pay period to the next and from one leave year to the next for accrual purposes.

3 FAH-1 H-3422.2-2 Pro Rata Accrual for Partial Pay Periods

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service Employees)

Part-time employees earn no sick leave for partial pay periods of duty at the time of entering on duty or at time of separation. However, a part-time employee is given pro rata credit for leave for partial pay periods of duty occurring within the continuity of employment when service is interrupted by a non-leave-earning period.

3 FAH-1 H-3422.3 Creditable Service for Sick Leave Purposes

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service Employees)

In certain circumstances, service with public international organizations and the American Institute in Taiwan is creditable for sick leave purposes on the same basis and conditions as it is creditable for annual leave purposes (see 3 FAH-1 H-3411.2-2).

3 FAH-1 H-3423 ACCUMULATION

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service Employees)

Any sick leave not used by an employee during the year in which it accrues will accumulate, without limitation, and be available for use in succeeding years.

3 FAH-1 H-3424 SICK LEAVE FOR ADOPTIONS

3 FAH-1 H-3424.1 General Explanation

(TL:POH-69; 08-13-2001)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service employees)

The 5 U S.C. 6307 and implementing OPM regulations permit an employee to use sick leave for purposes related to the adoption of a child.

3 FAH-1 H-3424.2 Sick Leave for Adoption of a Child

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USID)

(Applies to Foreign Service and Civil Service Employees)

a. An employee may use accrued or accumulated sick leave for purposes relating to the adoption of a child. An adoptive parent may request sick leave for such things as appointments with adoption agencies, social-workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.

b. To the extent possible, an employee must request advance approval to use sick leave for adoption-related purposes.

c. The agency may require employees to provide evidence that is administratively acceptable to the agency in support of an employee's request for sick leave for adoption-related purposes.

3 FAH-1 H-3425 USE OF SICK LEAVE FOR FAMILY CARE (SERIOUS HEALTH CONDITION)

3 FAH-1 H-3425.1 General

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service Employees)

An employee may use sick leave to provide care for a family member with a serious health condition subject to the limitations stated in 3 FAH-1 H-3425.2.

3 FAH-1 H-3425.2 Limitations

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USID)

(Applies to Foreign Service and Civil Service Employees)

a. When using leave under 3 FAH-1 H-3425.1, a full-time employee may use up to 480 hours (12 administrative workweeks) of accrued sick leave per leave year, provided the employee maintains a sick leave balance of at least 80 hours for any leave over 40 hours.

b. A full-time employee may not use more than a total of 480 hours of accrued sick leave for all family care purposes outlined in 3 FAH-1 3425.1 and 3 FAH-1 H 3426.1.

c. When using leave under 3 FAH-1 H-3425.1, a part-time employee (or an employee with an uncommon tour of duty) may use an amount of accrued sick leave equal to 12 times the average number of hours in his or her scheduled tour of duty each week during a leave year provided the employee maintains a sick leave balance of two times the average number of hours in his or her regularly scheduled administrative workweek for any leave over the average number of hours in his or her regularly scheduled administrative workweek.

d. A part-time employee may not use more than a total of 12 times the average number of hours in his or her scheduled tour of duty for all family care purposes outlined in 3 FAH-1 H 3425.1 and 3 FAH-1 H 3426.1.

3 FAH-1 H-3426 USE OF SICK LEAVE TO CARE FOR FAMILY MEMBERS OR IN CASE OF BEREAVEMENT

3 FAH-1 H-3426.1 General

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service Employees)

An employee may use sick leave subject to the limitations in 3 FAH-1 H-3426.2 to:

- (1) Attend to a family member receiving medical dental or optical examination or treatment;
- (2) Make arrangements necessitated by death of a family member or attend funeral of family member; or
- (3) Provide care for a family member who is incapacitated by a medical or mental condition.

3 FAH-1 H 3426.2 Limitations

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service Employees)

a. When using leave under 3 FAH-1 H-3426.1, a full-time employee, may only be granted 40 hours (five workdays) of sick leave, regardless of their sick leave balance. However, an additional 64 hours (eight workdays) of sick leave may be used each year if the employee maintains a balance of at least 80 hours of sick leave. (For example, an employee who earns 104 hours of sick leave in a year may be granted up to that amount under this provision, provided they retain a balance of at least 80 hours after deducting the leave used for this purpose.)

b. Any sick leave used to care for a family member under 3 FAH-1 3425.1 shall be subtracted from the sick leave used under this subchapter. See 5 CFR 630.401 (c)(2).

c. When using leave under 3 FAH-1 H-3426.1, the basic amount of sick leave to be made available for family care or bereavement purposes under paragraphs (1), (2) and (3) of 3 FAH-1 3426.1 shall be equal to the average number of hours of work in the employee's scheduled tour of duty each week. For example, a part-time employee who is regularly scheduled to work 32 hours per week may be granted up to 32 hours of sick leave, regardless of the employee's sick leave balance.

d. An additional number of hours of accrued sick leave may be granted which, when added to the initial grant of leave under these provisions, may not exceed the total number of hours of sick leave earned by that employee during a leave year, provided the employee retains a balance of an amount equal to twice the average number of hours of work in the employee's scheduled tour of duty each week. (For example, an employee who earns 80 hours of sick leave in a year may be granted up to that amount under this provision, provided they retain a balance of at least 80 hours after deducting the leave used for this purpose.)

e. Any sick leave used to care for a family member under 3 FAH-1 H-3426.1 shall be subtracted from the sick leave used under this subchapter. See 5 CFR 630.401 (c)(2).

3 FAH-1 H-3426.3 Application and Supporting Evidence

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service Employees)

a. To the extent possible, an employee must request advance approval for sick leave when it is to be used for purposes covered in 3 FAH-1 H-3425.1.

b. The supervisor may require a medical certificate, employee certification, or other administratively acceptable evidence as to the reason for absence from duty on sick leave for the purposes covered in 3 FAM 3423 and 3 FAH-1 H-3425.1 and H-3426.

c. A medical certificate for purposes of 3 FAH-1 H-3425.1 and 3 FAH-1 3426.1 may include a statement from the health care provider concerning the family member's need for psychological comfort and/or physical care. The statement must certify that:

(1) The family member requires psychological comfort and/or physical care;

(2) The family member would benefit from the employee's care or presence and;

(3) The employee is needed to care for the family member for a specified period of time.

3 FAH-1 H-3426.4 Interaction with the Voluntary Leave Transfer Program (VLTP)

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service Employees)

a. An employee may receive donated annual leave from other Federal employees if he or she is affected by a personal or family medical emergency and has exhausted his or her available paid annual and sick leave. Once an employee has exhausted his or her entitlement to 12 weeks of sick leave for family care purposes, the employee has exhausted all of his or her available paid sick leave and would, therefore, qualify to be a recipient under the Voluntary Leave Transfer Program (VLTP) provided such employee satisfies the other requirements of the VLTP.

b. See 3 FAH H- 3340 for procedures and guidelines governing transfer of leave for purposes of caring for a sick family member or arranging for or attending the funeral of a deceased family member.

3 FAH-1 H 3426.5 Interaction with the Family and Medical Leave Act

(TL:POH-69; 08-13-2001)

(Uniform State/Agriculture/BBG/Commerce/USAID)

(Applies to Foreign Service and Civil Service Employees)

The Family and Medical Leave Act provides most employees with an entitlement to use a total of up to 12 weeks of leave without pay during any 12-month period for certain family and medical needs. An employee may choose to substitute sick leave for FMLA leave without pay consistent with current law and regulations for using sick leave. (See 5 CFR 630.1205 (b) (1)) An employee is entitled to substitute up to 12 weeks of sick leave each year for FMLA leave without pay if he or she is caring for a spouse, son or daughter or parent with a serious health condition. An employee may use up to 12 weeks of sick leave each year to care for a family member with a serious health condition and then invoke his or her entitlement to 12 weeks of FMLA leave without pay to care for his or her spouse, son or daughter, or parent with a serious health condition or for some other specified purpose under The Family and Medical Leave Act. (See 3 FAM 3530 and 3 FAH-1 H-3530)

3 FAH-1 H-3427 THROUGH H-3429 UNASSIGNED